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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,791	08/06/2003	Edward C. DeMeter	68,227-009	2724

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EXAMINER
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GOFF II, JOHN L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/635,791

Applicant(s)

DEMETER, EDWARD C.

Examiner

John L. Goff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-24 and 31-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-24 and 31-34 is/are allowed.
- 6) ☒ Claim(s) 35 and 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/11/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/11/06 has been entered.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Allowable Subject Matter***

3. The indicated allowability of previous claim 11 dependent from previous independent claim 8 and now presented as new claim 35 is withdrawn in view of the newly discovered reference(s) to Hood (U.S. Patent 5,115,761) and Glista et al. (U.S. Patent 4,082,423). Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 36 recites the limitation "said radiation transmittive fixing surface" in line 6.

There is insufficient antecedent basis for this limitation in the claim. It is suggested applicants delete "radiation transmittive fixing surface" and insert therein - - radiant energy delivery system - - to overcome the rejection.

***Claim Rejections - 35 USC § 103***

7. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hood in view of Glista et al.

Hood discloses a system capable of adhesive work holding comprising a fixture/gripper pin chassis (11 and 13 of Figure 2) capable of holding a workpiece adjacent thereto, a radiant energy delivery system (not shown) capable of emitting radiant energy, a light guide, i.e. a radiation transmittive fixing surface/gripper pin, (15 of Figure 2) supported by the fixture/gripper pin chassis capable of supporting an adhesive and/or workpiece and in optical communication with the radiant energy delivery system (Column 1, lines 58-68 and Column 2, lines 1-7). Hood does not teach the specific material the light guide is formed from. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the light guide

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taught by Hood from well known and conventional materials in the art such as sapphire known for its high modulus, i.e. high strength and flexibility, as shown for example by Glista et al.

Glista et al. are exemplary of the well known use of sapphire to form light guides wherein sapphire is chosen for its high modulus (Column 1, lines 59-68 and Column 2, lines 1-5 and Column 4, lines 52-58 and 66-68).

As to the functional language/intended use limitations in the claims, i.e. apparatus capable of, see MPEP 2114 wherein the apparatus taught by Hood as modified by Glista et al. is fully capable of performing the claimed functions. As to the material worked upon limitations in the claims see MPEP 2115.

***Allowable Subject Matter***

8. Claims 8-24 and 31-34 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 8-24 and 31-33, the prior art of record fails to teach or suggest an adhesive work holding system comprising a fixture having an outer periphery capable of blocking transmissions of radiation, at least one discrete, radiation transmittive fixing surface disposed within said outer periphery and bonded to said fixture, and a radiant energy delivering system located adjacent to and in optical communication with the radiation transmittive fixing surface, the radiant energy delivering system capable of emitting radiant energy and the radiation transmittive fixing surface capable of transmitting the radiant energy. It is noted the light guide taught by Hood is required to be adjustable by a set screw (Column 2, lines 67-68 and Column 3,

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lines 1-15), and thus, there is no motivation to substitute a bonding material such as adhesive for the set screw which would eliminate adjustability of the light guide.

Regarding claim 34, the claim is allowed for the reasons given in paragraph 11 of the office action mailed 1/26/06.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 35 and 36 have been considered but are moot in view of the new ground(s) of rejection. In view of applicants arguments the previous 35 U.S.C. 112 rejections are withdrawn. In view of applicants amendment the previous 35 U.S.C. 102 and 103 rejections over Yamada (U.S. Patent 5,981,361) and Inoue et al. (U.S. Patent 5,423,931) are withdrawn. The new limitations are addressed above. It is noted applicants have not specifically shown in the specification where there is support to claim the fixture has an outer periphery "capable of blocking transmissions of radiation". However, support for the limitation appears in Figures 12 and 13 wherein it is shown the fixture does not allow transmission of the radiation, and the fixture is given the drawing symbol for metal (See MPEP 608.02), a material that would block the transmission of radiation.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is (571) 272-1216. The examiner can normally be reached on M-F (7:15 AM - 3:45 PM).

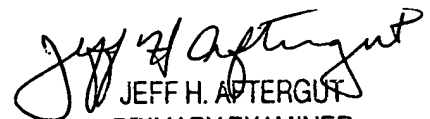
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John L. Goff



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